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June 9, 2022

**BY ECF**

Honorable Ramon E. Reyes, Jr.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Acosta, et al. v. City of New York, et al.,  
22-CV-00576 (FB) (RER)

Your Honor:

I am a Senior Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendant City of New York and Officer Holguin in the above-referenced matter. The City and Officer Holguin write to respectfully request a 14-day enlargement of time, from June 13, 2022, until June 27, 2022, to answer or otherwise respond to the complaint. This Office also requests that the Court, *sua sponte*, enlarge the time, from June 13, 2022, until June 27, 2022, for defendants Schmidt, Ramos, and O'Connor to answer or otherwise respond to the complaint. This is the second request for an enlargement of time to respond to the complaint. This extension will not disturb any other Court deadlines or conferences. Plaintiffs consent to this request

This Office requests that the Court extend the time for the City and individual defendants to respond to the Complaint so that the Office will have additional time to make determinations about the representation of the individual defendants pursuant to the General Municipal Law. *See* General Municipal Law § 50(k); *Mercurio v. City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985); *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (stating that the decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law). Presently, this Office has resolved representation with regard to defendant Holguin but has been unable to make such determinations for the other individual defendants. Should the Court afford the City and all individual defendants that this

Office may potentially represent the opportunity to respond to the Complaint together, it would promote efficiency and judicial economy as it would likely obviate the need for the filing of multiple separate pleadings and allow the matter to proceed on a succinct timeline.

Accordingly, the City respectfully requests an extension, and a corresponding *sua sponte* enlargement of time for the individual defendants, until June 27, 2022, to answer or otherwise respond to the complaint.

Thank you for your consideration herein.

Respectfully submitted,

By: /s/   
Michael Pesin-Virovets  
*Senior Counsel*

cc: **By ECF**

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